

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-449
SENATE BILL 1383**

AN ACT TO ALLOW ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED, HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD CAUSE SUBSTANTIAL HARM TO THE LAND OR THE ENVIRONMENT, AND TO ALLOW THE PUBLIC TO USE THE LAND FOR THE PURPOSE OF HIKING OR WALKING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 113A of the General Statutes is amended by adding a new section to read:

"§ 113A-87.1. Use of State land for bicycling; creation of trails by volunteers.

(a) Any land held in fee simple by this State, any agency of this State, or any land purchased or leased with funds provided by this State may be open and available for use by bicyclists upon establishment of a usage agreement. The usage agreement shall be established between the land manager and any local cycling group or organization intending to use the land and shall specify the terms and conditions for use of the land. The land manager shall designate a representative with knowledge of off-road bicycle trail building to negotiate the agreement. Upon establishment of the usage agreement, any bicyclist may use the land pursuant to the agreement.

The land manager shall not be required to create, maintain, or make available any special trails, paths, or other accommodations to any user of the land for cycling purposes. However, once a usage agreement has been established, any local cycling group or organization may create and maintain special trails for cycling purposes. Any trails created for the purpose of off-road cycling shall be created and maintained using commonly accepted best practices.

(b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.

(c) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.

(d) Any land open and available for use by bicyclists, pursuant to subsection (a) of this section, shall also be available to members of the public for hiking and walking.

Persons using the land pursuant to this subsection shall yield the right-of-way to bicyclists when hiking or walking on any trails created and maintained for the purpose of off-road cycling and so designated along that trail.

(e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or species and shall file notice of any restrictions with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation."

SECTION 2. This act becomes effective January 1, 2008. Any agreements for usage of land by bicyclists entered into prior to the effective date of this act are not affected by this act. Upon passage of this act and prior to its effective date, the State, an agency of this State, or a holder of land purchased or leased with State funds, shall determine if the land should be restricted or removed from availability and use and provide to, in writing, the Division of Bicycle and Pedestrian Transportation any reasons to support the decision.

In the General Assembly read three times and ratified this the 31st day of July, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:41 a.m. this 23rd day of August, 2007